

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

BURCHICK CONSTRUCTION COMPANY, INC

Plaintiff,

Civil Docket No. 05-CV-12E

v.

HBE CORPORATION,

Judge McLaughlin

Defendant.

SCHEDULING MOTION CERTIFICATE

I, Michael D. Glass, Counsel for HBE Corporation, telephoned Kurt F. Fernsler, Counsel for Burchick Construction Company, Inc., on Friday, December 16, 2005, at 10:00 a.m. to seek consent to extending certain pre-trial dates. Mr. Fernsler indicated that he neither consented to nor opposed the extension of certain pre-trial dates.

There are no other parties to the within matter.

Respectfully submitted,

POLITO & SMOCK, P.C.

By: s/Michael D. Glass

Michael D. Glass

PA ID No. 34431

Four Gateway Center, Suite 400

444 Liberty Avenue

Pittsburgh, PA 15222-1237

(412) 394-3333

Counsel for Defendant HBE Corporation

CERTIFICATE OF SERVICE

We hereby certify that on this 16th day of December, 2005, a true and correct copy of the foregoing Scheduling Motion Certificate was served via United States Postal Service first class mail, postage prepaid to the following counsel of record:

Kurt F. Fernsler, Esq.
Reed Smith LLP
435 Sixth Avenue
Pittsburgh, PA 15219-1886

POLITO & SMOCK, P.C.

By: s/Michael D. Glass
Michael D. Glass